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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 ERIK D. MENDOZA-CONTRERAS,

14 Defendant.

CASE NO. 1:22-CR-00074-JLT-SKO

STIPULATION VACATING CHANGE OF PLEA
HEARING AND SETTING TRIAL; FINDINGS
AND ORDER

16 **STIPULATION**

17 Plaintiff United States of America, by and through its counsel of record, and defendants, by and
18 through their counsel, hereby stipulate as follows:

- 19 1. By previous order, this matter was set for a change of plea on August 19, 2024.
- 20 2. By this stipulation, defendant now moves to vacate the change of plea hearing and set the
matter for trial on April 8, 2025, and to exclude time between August 19, 2024, and April 8, 2025, under
22 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).
- 23 3. The parties agree and stipulate, and request that the Court find the following:
 - 24 a) The government has represented that the discovery associated with this case
includes investigative reports and related documents in electronic form, videos, photographs, and
26 digital evidence. The government provided initial discovery and supplemental discovery.
 - 27 b) Counsel for defendant desires additional time to review discovery, consult with
28 his client, prepare for trial, and conduct additional plea negotiations.

1 c) Counsel for defendant believes that failure to grant the above-requested
2 continuance would deny him the reasonable time necessary for effective preparation, taking into
3 account the exercise of due diligence.

4 d) The government does not object to the continuance.

5 e) Based on the above-stated findings, the ends of justice served by continuing the
6 case as requested outweigh the interest of the public and the defendants in a trial within the
7 original date prescribed by the Speedy Trial Act.

8 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
9 et seq., within which trial must commence, the time period of August 19, 2024 to April 8, 2025,
10 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i) and (iv) because it
11 results from a continuance granted by the Court at defendant's request on the basis of the Court's
12 finding that the ends of justice served by taking such action outweigh the best interest of the
13 public and the defendants in a speedy trial.

14 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
15 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
16 must commence.

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19 IT IS SO STIPULATED.

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21 Dated: August 14, 2024

PHILLIP A. TALBERT
United States Attorney

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25 /s/ Antonio J. Pataca
26 ANTONIO J. PATACA
27 Assistant United States Attorney

28 Dated: August 14, 2024

29 /s/ Nicholas Reyes
30 NICHOLAS REYES
31 Counsel for Defendant
32 Erik D. Mendoza-Contreras

FINDINGS AND ORDER

Based on the stipulation of the parties, the Court vacates the change-of-plea hearing currently set on August 19, 2024 and sets the matter for trial on **April 8, 2025 at 8:30 a.m.**¹ For the reasons set forth above in paragraphs 3(a) – 3(c) , the Court finds that good cause exists and the interests of justices outweigh the interests of the defendant and the public in a speedy trial. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the Court excludes the time period of August 19, 2024 through April 8, 2025.

IT IS SO ORDERED.

Dated: August 15, 2024

Jennifer L. Thurston
UNITED STATES DISTRICT JUDGE

¹ Counsel are advised that the Court is unavailable the week of April 14, 2025. The Court will begin trial on April 8, 2025, but if the matter is not concluded by April 11, 2025, it will resume trial on April 22, 2024.